

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF PENNSYLVANIA

IN RE:

Samuel Delacruz,

: Chapter 7

:

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Debtor. : Bky. No. 23-11283 (PMM)

ORDER SETTING HEARING WITH REGARD TO REAFFIRMATION AGREEMENT

AND NOW, WHEREAS, a reaffirmation agreement of the kind specified in 11 U.S.C. §524(c) between the Debtor and Mercedes-Benz Financial Services USA, LLC has been filed with the court (doc. #33);

AND, 11 U.S.C. §524(m) provides that a reaffirmation agreement shall be presumed to be an undue hardship on the Debtor if the Debtor's monthly income less the Debtor's monthly expenses as shown on the statement in support of the reaffirmation agreement required under 11 U.S.C. §524(k)(6)(A) is less than the scheduled payments on the reaffirmed debt;

AND, based on the Debtor's monthly income and monthly expenses as shown on the statement in support of the reaffirmation agreement required under 11 U.S.C. §524(k)(6)(A), as well as the income stated on Schedule I and expenses stated on Schedule J, the Debtor appears to have insufficient income to pay the scheduled payments on the reaffirmed debt,

It is therefore ORDERED that:

1. There is a presumption that the reaffirmation agreement would impose an undue hardship on the Debtor. See 11 U.S.C. §524(m)(1).
2. Pursuant to §524(m)(1), a hearing shall be held on **Tuesday, September 5, 2023 at 11:00 a.m. in the United States Bankruptcy Court, Gateway Building, Fourth Floor Courtroom, 201 Penn St., Reading, Pennsylvania, 19601.** to determine whether the reaffirmation agreement will be disapproved ("the §524(m)(1) Hearing").
3. Pending the conclusion of the §524(m)(1) Hearing, the discharge order under 11 U.S.C. §727(a) shall not be entered. See Fed. R. Bankr. P. 4004(c)(1)(K).

Date: 8/15/23



PATRICIA M. MATER
U.S. BANKRUPTCY JUDGE